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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,976	04/08/2004	James W. Templeton	5900-00101	9048

7590 10/26/2007
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Austin, TX 78767

EXAMINER

SUGENT, JAMES F

ART UNIT	PAPER NUMBER
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2116

MAIL DATE	DELIVERY MODE
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10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/820,976

Applicant(s)

TEMPLETON, JAMES W.

Examiner

James F. Sugent

Art Unit

2116

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition, under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-39.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant continues to present the same arguments presented before the filing of the Final Office Action with no amendments presented to the claims.

Applicant first argues that neither Chapius1 nor Chapius2 (as cited in previous office action) neither singularly or in combination teach the "plurality of digital power management devices are operable to communicate with each other over the control and communication bus to exchange information to coordinate their functions."

Particularly, the Applicant points out that neither Chapius1 nor Chapius2 teaches "coordinating functions" as recited in claim 1. However, the Examiner would like to point out that coordinating is synonymous with synchronizing in order to present a particular order or sequence of events [functions] to carry out (column 6, lines 36-52). Furthermore, nowhere does the claim recite the meaning or intention of what is done when the functions coordinate. Also, Examiner would like to point out that the Applicant has admitted that "data transmission may in fact be a part of said coordinating of functions" (REMARKS, page 9, lines 22-23) (emphasis added). Applicant further continues, "...that the concept of coordinating those functions, in the context of the claim itself and Applicant's own specification does not require further elucidation, as one skilled in the art would readily recognize 'coordinating functions' to pertain to organization and/or arbitration of the functions of the interoperating and/or communicating power management devices with respect to each other" (REMARKS, page 10, lines 1-6). Again, the meaning of "coordinating functions," as described by the Applicant above, is not claimed (emphasis added). Therefore, the Applicant's arguments are not persuasive.

The repeated argument that neither Chapius1 or Chapius2 teaches "information being exchanged" between the POL regulators is not persuasive. Applicant argues that the information exchange does not take place "between the POL regulators themselves." Particularly, the Applicant argues that neither Chapius1 nor Chapius2 teaches "information being sent by one POL regulator directly to another POL regulator" (REMARKS, page 10, lines 29-31). However, this limitation is not claimed. The Examiner has already presented arguments and recited passages within both Chapius1 and Chapius2 wherein exchange of information is taking place but indirectly via controller (see Office Actions). Applicant also argues an implied meaning of "exchanging information" for the POL regulators but does not, again, claim the limitation (REMARKS, page 11, lines 4-5).

Therefore, Applicant's arguments are not persuasive and claim 1 remains rejected under 35 USC § 103(a) over Chapius1 and Chapius2.


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
10/25/07